

**THE HONORABLE BRIAN D. LYNCH**  
**CHAPTER 13**  
**HEARING DATE: November 17, 2020**  
**HEARING TIME: 1:30 P.M.**  
**LOCATION: Telephonic**  
**RESPONSE DATE: November 10, 2020**

**IN THE UNITED STATES BANKRUPTCY COURT FOR THE  
WESTERN DISTRICT OF WASHINGTON AT TACOMA**

In re:	Case No.: 16-40664-BDL
YVONNE INEZ DAVIS,	NOTICE OF AND MOTION FOR DISMISSAL PURSUANT TO 11 U.S.C. § 1307(c)
Debtor.	

**NOTICE**

**YOU ARE HEREBY NOTIFIED** that a hearing on Trustee's Motion to Dismiss is set as follows:

JUDGE: Brian D. Lynch TIME: 1:30 P.M.  
PLACE: Telephonic DATE: November 17, 2020  
  
Dial 1-888-363-4749  
Enter Access Code: 5974828#  
To join the call: Press the # sign again  
Enter Security Code when prompted: 8109#  
Speak your name when prompted

Michael G. Malaier  
Chapter 13 Standing Trustee  
2122 Commerce Street  
Tacoma, WA 98402  
(253) 572-6600

**IF YOU OPPOSE** this motion, you must file your written response with the Court Clerk and deliver copies on the undersigned and all interested parties, NOT LATER THAN THE RESPONSE DATE, which is **November 10, 2020**. You should also appear at the time of hearing. If you fail to do so, the Court may enter an order granting the motion without any hearing and without further notice.

## MOTION

**COMES NOW**, Michael G. Malaier, the Chapter 13 Trustee and alleges as follows:

1. Debtor filed this case on **February 20, 2016**. The case was confirmed by order of the Court on **August 2, 2016**.
  2. Pursuant to the confirmed plan, Debtor is required to make plan payments of **\$2,400.00** per month. Debtor is presently delinquent in plan payments in the amount of **\$5,505.81**, and the plan is underfunded to complete in the remaining months allowed, supported by the Declaration filed herewith.
  3. In addition, Debtor has failed to provide copies of the 2018 and 2019 tax returns to the Trustee.
  4. Debtor has defaulted under the terms of the Plan as follows: § 1307(c)(1) unreasonable delay by the debtor that is prejudicial to the creditors, § 1307(c)(6) failure to remit plan payments.

**WHEREFORE** the Trustee prays that this case be dismissed and closed.

Michael G. Malaier  
Chapter 13 Standing Trustee  
2122 Commerce Street  
Tacoma, WA 98402  
(253) 572-6600

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**DATED** this 2nd day of October, 2020 at Tacoma, Washington.  
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/s/Michael G. Malaier

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Michael G. Malaier, WSBA# 34729  
Chapter 13 Standing Trustee

Michael G. Malaier  
Chapter 13 Standing Trustee  
2122 Commerce Street  
Tacoma, WA 98402  
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